

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CONECSUS, LLC,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:21-CV-1034-D
VS.	§	
	§	
FILTER TECHNOLOGY, LTD.,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
AND ORDER

Plaintiff Conecsus, LLC (“Conecsus”) moves the court to reconsider its order granting Filter Technology, Ltd.’s (“FTL’s”) motion to transfer venue and for leave to file response. Because the court lacks the authority or jurisdiction to grant the motion, the motion is denied.

I

This is a removed action filed by Conecsus against FTL. On July 9, 2021, relying on a forum-selection clause, FTL filed a motion to transfer venue to the District of Oregon. Conecsus’ response was due on July 30, 2021, *see* N.D. Tex. Civ. R. 7.1(e), but it did not respond. On August 17, 2021, several weeks after the response deadline, the court granted FTL’s motion. Conecsus filed the instant motion for reconsideration the same day.

The court docket reflects this entry, dated August 17, 2021, immediately following the docketing of the transfer order:

Interdistrict Transfer to the United States District Court for the District of Oregon; notice sent via email. All documents available electronically. If receiving court cannot upload, documents are available from PACER (record does not contain restricted documents). *Counsel advised to file future documents in District of Oregon.* (ygl) (Entered: 08/17/2021)

ECF (unnumbered entry between 18 and 19) (emphasis in original).

The docket then shows that, on August 17, 2021, Conecsus filed the instant motion for reconsideration, docketed as ECF 19.

The final pertinent entry on the docket follows the filing of Conecsus' motion for reconsideration and shows:

Case transferred from NDTX has been opened in District of Oregon as case number 3:21-cv-01218. (mjr) (Entered: 08/17/2021)

ECF (unnumbered entry between 19 and 20).

The foregoing docket entries reflect that, before Conecsus filed its motion for reconsideration, the clerk of this court had already transferred this case to the District of Oregon. And on the same day that the transfer was effected, the new case in the District of Oregon was opened and assigned a case number.

II

When a case is transferred to a transferee district court, the transferor court loses all jurisdiction over the case. *See, e.g., Auto. Body Parts Ass'n v. Ford Global Techs., LLC*, 2015 WL 1517524, at *1 (E.D. Tex. Apr. 2, 2015) (quoting *Schwartz v. Curtis*, 2008 WL 4467560, at *1 (S.D. Tex. Oct. 2, 2008)). “The date the papers in the transferred case are

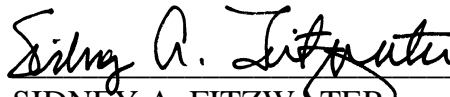
docketed in the transferee court ... forms the effective date that jurisdiction in the transferor court is terminated.” *Id.* (quoting *Chrysler Credit Corp. v. Country Chrysler, Inc.*, 928 F.2d 1509, 1517 (10th Cir. 1991) (internal citations omitted); accord *Bustos v. Dennis*, 2017 WL 1944165, at *3 (W.D. Tex. May 8, 2017) (dismissing motion to amend findings and reconsider ruling on transfer for lack of jurisdiction where case was transferred and docketed in the transferee court (the District of Nevada) before the plaintiff took any action with respect to the court’s transfer decision). See generally *In re Sw. Mobile Homes, Inc.*, 317 F.2d 65 (5th Cir. 1963) (per curiam) (holding that district court lost jurisdiction once transfer was complete).

In this case, the date the papers were docketed in the transferee court is August 17, 2021. The District of Oregon opened its case on that date and assigned it a case number. It was on that date that jurisdiction in this case (i.e., the transferor court) was terminated. Not that it matters, but the case was also transferred to the District of Oregon before Conecsus filed its motion for reconsideration.

Because this court does not have the authority or jurisdiction to grant Conecsus’ August 17, 2021 motion for reconsideration of order granting defendant’s motion to transfer venue and for leave to file response, the motion is denied.

SO ORDERED.

August 23, 2021.



SIDNEY A. FITZWATER
SENIOR JUDGE